IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4421 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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BISHOP PAUL CHAUHAN

Versus

EP BHAGAT

Appearance:

1. Special Civil Application No. 4421 of 1995

Mr.Prajapati for MR MC BHATT for Petitioner No. 1

..... for Petitioner No. 2

MR BS PATEL for Respondent No. 1

Ms. Makwana for MR KM PARIKH for Respondent No. 1-2

Mr. HC Patel, Ld. AGP for Respondent No.3

..... for Respondent No. 4

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 14/08/2002

ORAL JUDGEMENT

1. The present petition is preferred by the petitioners against the order dated 25-4-1995 passed by the Jt. Charity Commissioner, Baroda in Appeal No.10/1995, whereby interim stay has been gsrareted, pending the hearing of the appeal.

2. Heard Mr.Prajapati, learned Counsel for the petitioners, Mr.H.C.Patel, learned AGP for respondent No.3 and Ms.Makwana, learned Counsel for respondents No.1 and 2.

3. When the aforesaid petition was heard for admission initially notice was issued and the interim stay against the operation of the order dated 24-5-1995 was granted. Thereafter the matter was admitted and the interim order was continued. On 31-8-1996, this Court had passed the order directing the learned Charity Commissioner to decide the appeal within a stipulated time limit. However, Mr.Prajapati for the petitioners submits that up till now, the appeal is not decided and the same is pending.

4. On behalf of the Jt. Charity Commissioner, Mr.Patel states that he has no information regarding the finalisation of the appeal pursuant to the order dated 31-8-1996 passed by this Court.

5. The subject matter of the petition is that the stay order is granted by the Joint Charity Commissioner in Appeal No.10/1995 without impleading the petitioners as party to the appeal and the contention of the petitioners is that the petitioners are directly affected by the outcome of the appeal or in any case by the interim order passed in the appeal and, therefore, the interim stay should not have been granted by the Jt. Charity Commissioner, unless the petitioners are heard.

6. In view of the above, after hearing the learned Counsel for the petitioners as well as the respondents, I am of the view that the following directions would meet with the ends of justice:

6.1 The petitioners shall apply for being impleaded as party in the proceedings of Appeal No.10/1995 pending before the Jt. Charity Commissioner, Baroda and such application shall be made within a period of one month from today.

6.2 The Jt. Charity Commissioner shall decide the application of the petitioners for being impleaded as party together with the Appeal

No.10/1995 and both, i.e. the application for being impleaded as party as well as the Appeal No.10/1995, shall be decided within a period of three months from the date of receipt of the order of this Court.

6.3 Until the appeal is finally decided as indicated earlier, the interim order passed by this Court shall continue.

7. The petition is disposed in terms of the aforesaid directions. Rule made absolute accordingly.

14-8-2002 (Jayant Patel, J.)

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